

2011 AB 63 Don L.

AB 63 Positive Vote Please

Team Oil Travel Center  
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Dear Representatives

The Team Oil Travel Center is owned by my son and I along with our wives.

Please vote for the passage of AB 63, changing the hours on Class A license from 8 AM to 6 AM.

We are located in a tourism area. Over 450,000 tourists visit the Spring Valley Wisconsin Area each year. Tourist and local customers routinely stop at the Travel Center early in the morning to embark on their weekend of enjoyment to their cabin up north or visiting the mother-in-law. Normally the customer will want to load up all the necessary supplies before they proceed to their destination so not too delay their arrival to their destination.

Weddings, receptions, along with other family outings require early morning preparations and supplies. The 6 AM opening would provide a much asked for solution to these request of items that fall under the Class A License.

Additionally, items sold at a Class A establishment are highly taxed to help with the needs of the State. As our income revenue resources are on the decline, and our expenses seem to be on an incline, we appreciate your vote of YES to help provide a service to our customers and pay checks to our employees.

Thank you for your vote of YES in advance on behalf of the 20 employees who work at our Travel Center.

Tony R. Huppert

**Testimony in OPPOSITION to AB 63  
by Racine County Circuit Judge Dennis J. Barry before the Assembly  
Committee on Homeland Security and State Affairs (May 4<sup>th</sup>, 2011)**

Ironically this hearing is being held just days after the violent public drinking debacle at Madison's Muffin Street Block Party (Milwaukee Journal Sentinel 5/2/2011). It is also being held just two days after news reports regarding intervention efforts that the University of Wisconsin is taking to tackle problem drinking (Racine Journal Times 5/2/2011).

My background to speak about this bill is my experience as a circuit court judge for over 30 years. My legal experience prior to becoming a judge includes being the Deputy District Attorney in Kenosha County and the elected District Attorney in Racine County as well as having been in private practice where I handled divorce, personal injury and criminal defense matters.

In my opinion, passage of AB 63 will solidify Wisconsin's notorious reputation of fostering a culture that is dependant on alcohol use and abuse. It will make hypocrites out of all those legislators who vote for it, while claiming to be "tough" on drunk drivers.

***It's ridiculous to think that Wisconsin needs expanded hours to purchase alcohol or that some retailers need this bill in the name of "fairness":***

Chapter 125 Wis. Stats. currently allows retail beer sales from 8 a.m. to midnight and liquor sales from 8:00 a.m. to 9:00 p.m. (16 hours and 13 hours, respectively.) This bill seeks to permit retailers to start selling both liquor and beer at 6 a.m. The motivation for this can only be greed. Any claim that this bill is needed for fairness because bars can open earlier is just plain nonsense. They are totally different businesses.

Based on my experience in the criminal, family, civil and juvenile courts, you can bet that the extra two hours will promote such things as an alcoholic, on his or her way to work, or the alcohol abusing parent driving his or her child to school purchasing a liter of vodka or a pint of brandy to take out in a brown bag and satisfy their alcohol cravings.

Nothing good can come from sales during these additional hours.  
Certainly the current law provides social alcohol consumers with plenty of time to spend their money on bottles liquor or beer.

***Abuse of alcohol costs Wisconsin citizens hundreds of millions of dollars in taxes and other losses (Major contributor to state's budget problem):***

Approximately 75% or more of the prisoners who taxpayers support in Wisconsin's jails and prisons are either addicted to alcohol or are alcohol abusers. Costs for law enforcement are magnified tremendously as a direct result of alcohol consumption. Over half the deaths on Wisconsin highways involve drivers under the influence. Wisconsin residents pay higher insurance premiums because of that fact.

Family courts are burdened with custody issues and non-support cases, often brought about by one parent's drinking. There is a direct correlation between domestic violence and alcohol consumption. Juvenile courts and county human services departments wrestle daily with issues involving children in need of protection and services because of abuse or neglect caused by parents who are addicted to alcohol. The tab for the solutions to most of these problems is passed on to your constituents.

***Individual responsibility versus the legislature's cozy relationship with alcohol interests:***

I want to emphasize that I am not arguing that those who abuse or are addicted to alcohol are not responsible for their behavior. They certainly are! However the same can be said for people who smoke cigarettes. Yet, while Wisconsin has aggressively restricted the tobacco industry, it has been an apologist for those in the alcohol industry.

**Consider this:** Since 1992 the tax on one pack of cigarettes in Wisconsin has been increased six times; from 38 cents per pack to \$2.52 per pack. The state has also sued cigarette manufacturers and reaped millions of dollars in compensation for costs attributable to harm caused by smoking cigarettes. Yet, the tax on a barrel of beer has remained constant at \$2 per barrel **since 1969!** Likewise, the excise tax on a liter of liquor has barely budged over the last 25 years (Less than 86 cents per liter).

Wisconsin essentially subsidizes the production and sale of alcohol. Who can seriously argue that alcohol does not cause more harm and carry a much greater cost to Wisconsin citizens than tobacco? Why is there such a disconnect in how the legislature treats these two products?

Lest anyone think I believe those who commit offenses while intoxicated are victims and should not be held accountable for their actions, I invite them to read a sampling of cases I have handled including *State v. Lechner*, 217 Wis. 2d 392; 576 N.W. 2d 912 (1998); *State v. Glenn S. Lale*,

Racine County Case: 2004CF0636, (re-sentencing transcript, February 15, 2007); and *State v. Juan Chavez-Chavez*, Kenosha County Case: 2007CF137/2008 AP 174-CRM (sentencing transcript, July 20, 2008).

***It's time the legislature took a "fair" but realistic approach regarding the sale of alcohol in Wisconsin:***

Alcohol is a legal, but hazardous product. It induces behaviors that cost tax payers hundreds of millions of dollars and is one of the greatest contributors to the State's budget problems. What is worse; it contributes to the destruction of lives.

The Judicial Branch has been encouraged to establish "Treatment Courts" to deal with problems caused by alcohol. At the same time, the legislature keeps providing preferential treatment to the industry that manufactures and sells this dangerous product.

The last thing Wisconsin needs is to allow bottles of beer and liquor to be sold out of gas stations, convenience stores and grocery stores.....or anywhere else.....at six o'clock in the morning!

Thank you.



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Testimony of  
Nina J. Emerson, Director  
Resource Center on Impaired Driving  
University of Wisconsin Law School

**2011 Assembly Bill 63**

Committee on Homeland Security  
and State Affairs  
300 Northeast

Wednesday, May 4, 2011

Thank you, Chairperson and members of the Homeland Security and State Affairs Committee for the opportunity to testify on Assembly Bill 63. My name is Nina Emerson. I am an attorney and the director of the Resource Center on Impaired Driving at the University of Wisconsin Law School. My testimony today is for information purposes only. The Resource Center does not take a formal position on AB 63 as the Center is designed to serve as a neutral clearinghouse on impaired driving issues.

When you are considering the merits of the proposed legislation to expand the hours of sale of alcohol in Wisconsin, please remember that in 2010, the Centers for Disease Control and Prevention (CDC) reported that Wisconsin ranks No. 1 in terms of adult binge drinking at 23.9%. The national average was 15.2%. Further, the Substance Abuse & Mental Health Services Administration (SAMHSA) reported in 2010 that Wisconsin residents ranked No. 1 in self reporting driving under the influence at 23.7%. The national average is 13.2%.

The residents of Wisconsin clearly do not need any additional assistance in purchasing alcohol for consumption. Thank you for your time and consideration.

Nina J. Emerson  
Director  
Resource Center on Impaired Driving

Resource Center on Impaired Driving

Julia Sherman  
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May 4, 2011

Representative Karl Van Roy, Chairman  
Assembly Homeland Security & State Affairs  
Room 123 West - State Capitol  
P.O. Box 8953  
Madison, Wisconsin 53708

RE: AB 63

Dear Mr. Chairman:

Thank you for the opportunity to comment on Assembly Bill 63. Alcohol misuse is Wisconsin's single largest problem. While many Wisconsin adults enjoy alcohol beverages in moderation, Wisconsin's level of underage drinking, risky drinking and heavy drinking are among the highest, if not the highest, in the nation.<sup>i</sup> Both Wisconsin's Gannett newspapers and the Milwaukee Journal-Sentinel documented the problem in different award winning series.

Wisconsin's alcohol related problems are extreme but not unique. Other states and nations struggle with alcohol control issues and many have improved their alcohol culture saving billions each year in health care and public services while improving productivity. Assembly Bill 63 is a step in the wrong direction; it sends the wrong message about our residents, our economy and our priorities. There is evidence that the physical availability of alcohol plays a role in consumer demand for alcohol - evidence that availability may increase demand.<sup>ii</sup> There is only one credible reason to consider selling alcohol at 6:00 a.m. – selling more alcohol.

Restricting the hours and locations of alcohol sale has been identified as an effective method to reduce harmful alcohol use by the World Health Organization, yet AB 63 increases the availability of alcohol. Alcohol is readily available now; Wisconsin has a one licensed outlet for off-premises alcohol consumption for every 1,534 residents in the state.<sup>iii</sup> The assertion that current law places any sort of hardship on Wisconsin residents is unfounded.

Wisconsin's law limiting off-premises alcohol sales before 8:00 a.m. is typical for the nation; twenty-one states (including Wisconsin) allow alcohol sales to begin at 8:00 am or later, 20 states allow earlier alcohol purchases and nine states make hours of sale a local decision.<sup>iv</sup>


Early morning alcohol sales will exacerbate alcohol-related business and safety problems. Sixty-five percent of heavy drinkers are employed according to Ensuring Solutions at The George Washington University; workers with alcohol problems are 2.7 times more likely, than workers without drinking problems, to have injury related absences.

Another study reported that 16% of emergency room patients, injured at work, had detectable levels of alcohol in their systems and 11% of workplace fatalities had been drinking.<sup>v</sup> One emergency room study showed that 35% of patients with an occupational injury were at-risk drinkers.

Heavy drinking employees' call-in sick more frequently, an average of 11 days per year, and go to the emergency room 33% more than the general population<sup>vi</sup>. An estimated 20% of workers say they have been injured, covered for a co-worker or needed to work harder as a result of a co-workers drinking.<sup>vii</sup> Federal surveys found workers in the Midwest have the highest prevalence of past year heavy alcohol use (10.6% %) a regional distinction that may concern potential employers.<sup>viii</sup> Wisconsin's excessive level of alcohol use increases health care costs, the likelihood of workplace injuries and the number of highway deaths. Assembly Bill 63 could create an additional 7,370 additional hours of alcohol sales in Wisconsin *each day*, if passed.

Perhaps the real question is whether the families, local elected officials and businessmen of Wisconsin are interested in keeping down health care costs, hiring a reliable work force, having a safe highway system or purchasing a six-pack of beer before breakfast?

Sincerely,



Julia Sherman

<sup>i</sup> Wisconsin Department of Health Service, Wisconsin Epidemiological Profile on Alcohol and Other Drug Use, 2010. November 2010, page

<sup>ii</sup> Babor, et.al. Alcohol: No Ordinary Commodity, second edition, 2010 Oxford University Press, p 128.

<sup>iii</sup> Personal correspondence with Roger Johnson, Wisconsin Department of Revenue regarding number of Class A establishments in Wisconsin

<sup>iv</sup> National Restaurant Association, Select State Laws Governing On-Premises Alcohol Sales, 2004.

<sup>v</sup> Stallones, L., Kraus, J. *The occurrence and epidemiologic features of alcohol-related occupational injuries*. *Addiction* (1993) 88, 945-951

<sup>vi</sup> Ensuring Solutions, The George Washington University The Facts About The Impact of Problem Drinking, Ensuring Solutions, [www.alcoholcostcalculator.org/alcohol/cost](http://www.alcoholcostcalculator.org/alcohol/cost)

<sup>vii</sup> Ensuring Solutions, The George Washington University The Facts About The Impact of Problem Drinking, Ensuring Solutions, [www.alcoholcostcalculator.org/alcohol/cost](http://www.alcoholcostcalculator.org/alcohol/cost)

<sup>viii</sup> Substance Abuse and Mental Health Administration, National survey On Drug Use and Health, 2003, 2004, 2005, Table 2.3